

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
MISSOULA DIVISION

CORINA HOWARD,

Plaintiff,

vs.

STATE OF MONTANA, et al.,

Defendants.

CV 21–107–M–DLC–KLD

ORDER

Before the Court is United States Magistrate Judge Kathleen L. DeSoto’s Findings and Recommendation regarding Plaintiff Corina Howard’s complaint. (Doc. 7.) Judge DeSoto recommends that Ms. Howard’s complaint be dismissed without prejudice for failure to prosecute and failure to comply with the Court’s orders. (*Id.* at 5.) The Court agrees and will adopt Judge DeSoto’s Findings and Recommendation in full.

A party is only entitled to de novo review of those findings to which he or she specifically objects. 28 U.S.C. § 636(b)(1)(C). In the absence of an objection, this Court reviews findings for clear error. *See Thomas v. Arn*, 474 U.S. 140, 149 (1985). Clear error review is “significantly deferential” and exists when the Court is left with a “definite and firm conviction that a mistake has been committed.” *United States v. Syrax*, 235 F.3d 422, 427 (9th Cir. 2000) (citations omitted).

Judge DeSoto's Findings and Recommendation notified Ms. Howard of her right to object to her conclusions (Doc. 7 at 5–6), but she did not object.

Reviewing for clear error, the Court finds none. The Court has given Plaintiff multiple opportunities to prosecute her claim, including a deadline to file a renewed motion to proceed in forma pauperis and amended complaint by March 22, 2022, a deadline of June 17, 2022 to respond to the Court's show cause order dated June 1, 2022, and an opportunity to object to Judge DeSoto's Findings and Recommendation dated July 6, 2022, and Plaintiff has failed to prosecute this action to date. The Court agrees that the factors it must consider before dismissing an action as a sanction for failure to prosecute or failure to comply with a court order weigh in favor of dismissal in this case. (Doc. 7 at 2–5.)

Accordingly, IT IS ORDERED that Judge DeSoto's Findings and Recommendation (Doc. 7) is ADOPTED IN FULL.

IT IS FURTHER ORDERED that Ms. Howard's complaint (Doc. 2) is DISMISSED WITHOUT PREJUDICE.

IT IS FURTHER ORDERED that the Court certifies, pursuant to Rule 24(a)(3)(A) of the Federal Rules of Appellate Procedure, that any appeal from this disposition would not be taken in good faith.

The Clerk of Court shall enter a judgment of dismissal by separate document and close the case file.

DATED this 13th day of December, 2022.

A handwritten signature in blue ink, reading "Dana L. Christensen". The signature is written in a cursive style with a large initial "D".

Dana L. Christensen, District Judge
United States District Court